Attorney's Docket No.: 08919-077001 / 13A-900603 # 8

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kuang-Lieh Lu et al
Serial No. : 10/056,269
Filed : January 24, 2002
Title : PRISMATIC SUPRAMOLECULES

Art Unit : 1624
Examiner : Mark L. Berch

Commissioner for Patents
Washington, D.C. 20231

## RESPONSE TO RESTRICTION REQUIREMENT

In response to the office action dated October 29, 2002, Applicants elect the invention of Group II , i.e., claims 23-45, drawn to tetragonal compounds and synthesis thereof. (Note that "II. Claims 23-25" should read "II. Claims 23-45" in the office action.)

The election is made with traverse. More specifically, Applicants request that the invention of Group III be examined together with the invention of Group II for the reasons below:

To impose a proper requirement for restriction requires, the inventions must be "**either** independent **or** distinct" (emphases added ). See the Manual of Patent Examining Procedure, Section 803. The pending claims all cover prismatic supramolecules or their synthesis. Indeed, the compounds have similar designs (see the formulas recited in claims 1, 23, and 46, respectively) and similar properties (i.e., neutral and luminescent; see page 2, line 5 of the Specification). Further, all of them can be prepared by essentially the same methodology (see page 13, line 23 through page 14, line 17). In other words, the inventions of Groups I, II and III are not independent.

Indeed, the Examiner has classified the invention of Group III in "class **546**, subclass **2**" (emphases added), to which, the Examiner has concluded, a number of compounds of Groups II

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also belong (i.e., "class 540; 544[;] **546**, subclass 145; 179; **2**"; emphases added). Thus, search for the invention of Group II will automatically cover search for the invention of Group III. Accordingly, Applicants request that Group III be examined together with Group III.

In this connection, Applicants would like to point out that "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Also see the Manual of Patent Examining Procedure, Section 803. Here, as discussed above, the inventions of the three groups are not independent. Yet, in the sole interest of expediting prosecution, Applicants are wiling to elect, and have elected, Group II for search and examination. However, no additional burden would have to be carried to also search for the invention of Group III, and only slightly more burden would have to be carried to also examine the invention of Group III, which contains **only 9 claims**. Clearly, considering Group III separately from Group II would be a waste of the resources of the U.S. Patent and Trademark Office.

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Respectfully submitted,

Date: 1-29-03

Y. Rocky Tsao

Y. Rocky Tsao, Ph.D., J.D.
Attorney for Applicants
Reg. No. 34,053

Fish & Richardson P.C.
225 Franklin Street
Boston, Massachusetts 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906
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